

REMARKS

By the present amendment Claims 1 and 7 have been amended. Claims 1-5 and 7-10 remain in the application, with Claim 1 being independent and Claim 7 being multiply dependent.

The Examiner indicated that Claims 3 and 9 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Applicants wish to thank the Examiner for the new indication of allowable subject matter, however, applicants disagreed with the Examiner's logic in the Office Action of July 24, 2003 and thus had a telephonic interview with the Examiner regarding the present response on October 21, 2003. The present amendments are in response to this interview and the Examiner indicated that the claims as amended are now in condition for allowance.

The Examiner rejected Claims 1-2, 4, 7-8 and 10 under 35 U.S.C. § 102(e) as being anticipated by Kennedy. The Examiner suggested that all of the claim limitations, including the claim limitation requiring that the isocyanates be reacted with compounds that are reactive toward isocyanates in the presence of from 0.1 to 50% by volume based on the volume of the polyisocyanate polyaddition products of at least one gas, are met by Kennedy. Specifically, the Examiner notes that Kennedy mentions in column 2, lines 47-56 that the intermediate layer of Kennedy may include void spaces of between 10 and 20%. The Examiner acknowledges that Kennedy does not mention the addition of any gas and takes the position that these voids would consist of air and that the voids would be between the metal walls and the elastomer material.

The Examiner then makes the suggestion that this anticipates the limitation of the rejected Claim

1. The Examiner further rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Kennedy.

The void spaces discussed in Kennedy are specifically acknowledged in the present Application as being one of the problems that is overcome by the invention of the present Application. The Examiner is directed to the specification on page 2, lines 16-32, wherein it is disclosed that the void spaces described in Kennedy are typical in the prior art attempts to solve this problem and are due to shrinkage of the polymer during or after formation. The specification further indicates that reaction of components (a) with (b) in the presence of the added gas (c) avoids the shrinkage of the polymer thus preventing detachment of it from the two metal plates.

The added gas used in the present invention as component (c) is not the same as use of a blowing agent which is typically used in polyurethane reactions. The Examiner is directed to the specification page 2, line 41 through page 3, line 2, wherein the difference between the added gas of the present invention and customary blowing agents is discussed.

Support for the limitation added by the present amendment is found throughout the specification wherever component (c) is discussed. The Examiner is specifically directed to page 3, lines 17-25, wherein it is disclosed that components (a), (b), and (c) are specifically added to each other in forming the polyisocyanate polyaddition production (ii). The Examiner is further directed to page 4, lines 17-21, wherein again it is indicated that the space between the two metal plates is filled with components (a), (b), and (c). Finally, the Examiner is directed to page 13, line 35 through page 14, line 13. Herein a specific example is provided of adding component (c) into the reaction mixture comprising (a) and (b). This passage discloses how the

components are added together and how the amount of component (c) in the mixture can be measured. In summary, the specification provides extensive support for the added limitation and makes it clear that in the present invention component (c) is specifically and purposefully added into the reaction mixture.

The Examiner is directed to column 6, lines 13-36 of Kennedy, wherein it is disclosed that in Kennedy all attempts are made to specifically exclude any air in the cavity between the plates to insure no void space is left when introducing the reaction components into the space between the metal plates. Thus, it is Applicant's assertion that Kennedy specifically teaches away from the present invention which requires specifically adding gas to the reaction components in order to incorporate the same into the reaction components.

In summary, Applicants believe that the limitation in Claims 1 and 7 specifically requiring addition of at least one gas is not disclosed in nor obvious in view of Kennedy. Therefore, the rejections of the claims under 35 U.S.C. § 102(e) or § 103(a) are improper and should be withdrawn.

Applicants' attorney respectfully submits that the claims as amended are now in condition for allowance and respectfully requests such allowance.

Respectfully submitted,

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Date



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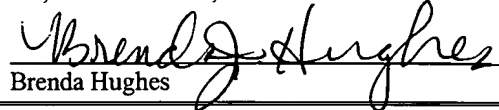
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